

Hidden Cove on the Hudson

Village of Ossining New York

Lead Agency **Village of Ossining Planning Board**

Applicant **Plateau Associates, LLC**

Prepared by



VHB Engineering, Surveying, and Landscape
Architecture, P.C.
White Plains, New York

DEIS Accepted:	<u>December 2008</u>
DEIS Public Hearing:	<u>December 2008</u>
SEIS Accepted:	<u>December 19, 2012</u>
SEIS Public Hearing:	<u>January 29, 2013</u>
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Hidden Cove on the Hudson

Ossining, New York

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

Project Name:

Hidden Cove on the Hudson

Project Location:

36 North Water Street
Ossining, New York 10562

Lead Agency

Village of Ossining Planning Board
P.O. Box 1166
101 Route 9A
Ossining, New York 10562
Contact: Hon. Joseph Clarke, Chair

SEQR Classification of Action:

Type I

Applicant:

Plateau Associates, LLC
427 Bedford Road, Suite 100
Pleasantville, NY 10570

Internet address at which the FSEIS will be posted: www.villageofossining.org

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Ossining, New York

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

Village Reviewers / Consultants

Planning Department

P.O. Box 1166
101 Route 9A
Ossining, NY 10562

Department of Public Works

Paul Fraioli, PE
Village Engineer
P.O. Box 1166
101 Route 9A
Ossining, NY 10562

Building Department

Joseph Agostinelli
Building Inspector
P.O. Box 1166
101 Route 9A
Ossining, NY 10562

Consulting Engineers

Joseph M. Cermele, PE
Kellard Sessions Consulting
500 Main Street
Armonk, NY 10504

Village Corporation Counsel

Stuart Kahan, Corporation Counsel
16 Croton Avenue
Ossining, NY 10562

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FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

Consultants for the Applicant

EIS Preparation and Coordination

VHB Engineering, Surveying and Landscape Architecture, P.C.
50 Main Street, Suite 360
White Plains, NY 10606
Contact: Gina Martini, AICP

Civil Engineer

Petrucelli Engineering
600 North Broadway, Suite 215
White Plains, NY 10603
Contact: Paul Berté, PE

Architect

Warshauer Mellusi Warshauer Architects, P.C.
100 Clearbrook Road
Elmsford, NY 10523
Contact: Edmund Vogel, AIA, LEED AP

Traffic & Transportation Engineering

Maser Consulting P.A.
John Collins Engineers, P.C.
Traffic & Transportation Engineers
400 Columbus Avenue, Suite 180E
Valhalla, NY 10595
Contact: Philip Greal, Ph.D., P.E.

Cultural Resources

Historical Perspectives, Inc.
PO Box 3037
Westport, CT 06880
Contact: Cece Saunders

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Cultural Resources

Vanasse Hangen Brustlin, Inc.
101 Walnut Street
P.O. Box 9151
Watertown, MA 02471
Contact: Rita Walsh

Environmental Science

Ecological Solutions
1248 Southford Road
Southbury, CT 06488
Contact: Mike Nowicki

Structural Engineer

De Nardis Engineering, LLC
15 Reservoir Road
White Plains, NY 10603
Contact: Joseph A. De Nardis, PE

Legal Counsel

Zarin & Steinmetz
81 Main Street, Suite 415
White Plains, NY 10601
Contact: Brad K. Schwartz, Esq.



Table of Contents

	Page
PD. INTRODUCTION & PROJECT DESCRIPTION	PD-1
PD.1	
Purpose and Content of the FSEIS.....	PD-
1	
PD.2 Background and Project History	PD-3
PD.2.1 2008 Proposed Project and 2008 DEIS	PD-
5	
PD.2.2 2011 Alternative Site Plan and 2013 SEIS	PD-7
PD.2.3 2017-2018 Refinements to the Project Since the 2013 SEIS	PD-9
1. Eliminate 3-BR units	PD-9
2. Eliminate Secondary Emergency Access	PD-9
3. Revise Building Footprint	PD-10
4. West Road Alternative	PD-11
PD.3 Project Description	PD-12
PD.3.1 Public Benefits	PD-15
PD.3.1.1 Shared Benefits.....	PD-
15	
PD.3.1.2 Benefits for Public at Large	PD-
16	
Open Air Pavilion	PD-
16	
1.2 Acre Conservation Easement	PD-16
PD.3.2 Two Roadway Alternatives	PD-17
PD.3.2.1 Center Road Alternative	PD-18
PD.3.2.2 West Road Alternative.....	PD-22
PD.3.2.3 Roadway Maintenance.....	PD-23
PD.3.3 Zoning Compliance	PD-
23	
PD.3.3.1 Zoning Law Section 270-23A	PD-23
PD.3.3.2 Zoning Law Section 270-23F	PD-25
PD.3.3.3 Comprehensive Plan	PD-27
PD.3.3.4 LWRP	PD-28
PD.3.4 Density	PD-
30	
PD.3.3 Permits and Approvals.....	PD-
33	
 1.0 POTENTIAL ADVERSE IMPACTS AND MITIGATION	 1-1
1.1 Land Use, Zoning and Compliance with Comprehensive Plan and LWRP	1-2



	1.1.1 Mitigation	1-3
	1.2 Demographics and Community Facilities.....	1-4
	1.2.1 Mitigation	1-13
	1.3 Visual Resources and Community Character	1-14
	1.3.1 Mitigation	1-17
	1.4 Site Disturbance and Grading.....	1-17
	1.4.1 Project.....	1-17
	1.4.2 Center Road Alternative.....	1-18
	1.4.3 West Road Alternative	1-19
	1.4.4 Summary of Potential Impacts for Road Grading Scenarios	1-21
	1.4.5 Mitigation	1-
21	1.5 Stormwater Management	1-23
	1.5.1 Project Site Stormwater Management	1-23
	1.5.2 Rerouting of Existing Stream Through New Culvert.....	1-23
	1.5.3 Center Road Alternative Stormwater Management	1-25
	1.5.4 West Road Alternative Stormwater Management	1-26
	1.5.5 Floodplain	1-26
	1.5.6 Mitigation	1-
26	1.6 Traffic and Transportation	1-27
	1.6.1 Mitigation	1-29
	2.0 COMMENTS AND RESPONSES	2-1
	2.1 Land Use, Zoning, and Compliance with Comprehensive Plan and LWRP	2-2
	2.2 Demographics	2-13
	2.3 Visual Resources and Community Character	2-15
	2.4 Site Disturbance and Grading.....	2-19
	2.5 Stormwater Management.....	2-21
	2.6 Traffic and Transportation.....	2-30
	2.7 Street / Roadway / Access.....	2-32
	2.8 Procedural	2-35
	2.9 Historic Resources.....	2-38
	2.10	Other
	Comments2-61	
	3.0 SEIS PUBLIC HEARING MINUTES.....	3-1
	4.0 CORRESPONDENCE RECEIVED	4-1
	Correspondence #1 – Dated February 19, 2013 from New York State Office of Parks, Recreation and Historic Preservation	



Correspondence #2 – Dated February 21, 2013 from Village of Ossining Department of Planning

Correspondence #3 – Dated February 21, 2013 from Kellard Sessions Consulting, P.C.

Correspondence #4 – Dated February 26, 2013 from Metro-North Railroad

Correspondence #5 – Dated February 14, 2013 from Ossining Environmental Advisory Council

Correspondence #6 – Dated February 25, 2013 from Ossining Historic Preservation Commission

Correspondence #7 – Dated January 3, 2013 from Gerold M. Wunderlich

Correspondence #8 – Dated January 30, 2013 from Miguel Hernandez

Correspondence #9 – Dated January 26, 2013 from Miguel Hernandez

Correspondence #10 – Dated January 27, 2013 from Miguel Hernandez

Correspondence #11 – Dated January 27, 2014 from James Staudt on behalf of the Planning Board



5.0 TECHNICAL APPENDICES

- Appendix 5.1 Structural Assessment by De Nardis Engineering, LLC (dated August 2012) and
 Structural Assessment by De Nardis Engineering, LLC - Update (dated June 15, 2018)
- Appendix 5.2 Cost Estimates by CTS Group Architecture/Planning
- Appendix 5.3 Per Square Foot Cost Estimates (Interior Fit-Out) by Gruzen Samton Architects
- Appendix 5.4 Cost Estimates – Site Improvements by VHB Engineering, Surveying and Landscape
 Architecture, PC
- Appendix 5.5. Appraisal by Hudson Property Advisors (dated December 6, 2012)
 Memo by Hudson Property Advisors (dated July 8, 2013)
- Appendix 5.6 Site Plan Drawings for Hidden Cove on the Hudson (dated June 18, 2018)
- Appendix 5.7 Stormwater Pollution Prevention Plan (dated June 18, 2018)
- Appendix 5.8 Stormwater Capacity Analysis Report
- Appendix 5.9 FEMA Flood Hazard Data for 36 North Water Street
 FEMA Advisory Base Flood Elevation (ABFE) Map for Ossining SW
 Existing Building on FEMA Advisory Base Flood Elevation (ABFE)
Map
- Appendix 5.10 NYS DEC NY Natural Heritage Program Correspondence
- Appendix 5.11 Bald Eagle Habitat Investigation
- Appendix 5.12 Ossining School District Correspondence
- Appendix 5.13 Structural Inspection for Hidden Cove Development dated
6/2/15
- Appendix 5.14 Structural Inspection – Entry Shed & Building dated 3/10/16
- Appendix 5.15 Envision Realty Services - LEED V.4 BD+C: New Construction
Checklist
- Appendix 5.16 Memo Responding to Ossining Union Free School District
dated 6/18/18
 Letter from Ossining Union Free School District to Planning Board
dated May 22, 2018



Tables

TABLE NO.	PAGE
1. 2008 DEIS Project, 2013 SEIS Project, and Current Proposed Action Comparison PD-3	
2. Permits and Approvals	PD-33
3. Population Generated by the Proposed Action	1-5
4. Average Cost Per Pupil (2017/2018)	1-6
5. Tax Levy Per Pupil (2017/2018)	1-7
6. Program Costs and Tax Levy Per Pupil	1-7
7. Projected School-Age Children Based on Comparable Developments.....	1-9
8. Current Property Tax Distribution	1-10
9. Projected Property Taxes	1-10
10. Estimated Changes in Tax Generation	1-14

Figures

FIGURE NO.	PAGE
Warshauer Mellusi Warshauer Architects, P.C. Cover Sheet	1-30
A-1 Floor Plans (Ground Floor and First Floor)	1-31
A-2 Floor Plans (Second Floor and Typical Unit Plans)	1-32
A-3 Exterior Elevations (North and West).....	1-33
A-4 Exterior Elevations (South and East)	1-34
A-5 Proposed Pavilion	1-35
R-1 Rendering – Hidden Cove.....	1-36
R-2 Rendering – Pavilion Structure – View 1.....	1-37
R-3 Rendering – Pavilion Structure – View 2.....	1-38
1. Rock Stabilization	1-39
2. Conceptual Conservation Easement Area	1-40
Project Renderings	beginning on page 41



PD. Introduction & Project Description

This document is the Final Supplemental Environmental Impact Statement (FSEIS) for the proposed Hidden Cove on the Hudson project (the "Project" or "Proposed Action") in the Village of Ossining, New York. The applicant for the Project is Plateau Associates, LLC (the "Applicant").

PD.1 Purpose and Content of the FSEIS

This Final Supplemental Environmental Impact Statement ("FSEIS") has been prepared pursuant to the State Environmental Quality Review Act ("SEQRA") and its implementing regulations at 6 NYCRR Part 617 of the Rules and Regulations of the New York State Department of Environmental Conservation ("DEC"). The Planning Board of the Village of Ossining ("Planning Board") is the Lead Agency for review of the proposed Project pursuant to SEQRA.

This FSEIS incorporates by reference the Draft Environmental Impact Statement ("DEIS" or "2008 DEIS"), and Supplemental Environmental Impact Statement ("SEIS" or "2013 SEIS"), prepared for the Project. The Planning Board accepted both the 2008 DEIS (in December 2008) and 2013 SEIS (on December 19, 2012) as complete and accurate, and ready for public review. As described below, the accepted 2008 DEIS and 2013 SEIS were both subject of Public Hearings conducted by the Planning Board, and written comment periods.



This FSEIS is divided into 4 Chapters. This Chapter PD, Introduction and Project Description, contains a brief description of the Project studied in the 2008 DEIS and 2013 SEIS, and a description of the refinements made to the Project since the 2013 SEIS (the "Project Refinements"), as reflected on the current site plans prepared for the Project by Petruccelli Engineering, last revised June 18, 2018, and submitted with this FSEIS (the "Site Plans" or "Current Site Plans"). The Project Refinements were made in response to comments by the Planning Board, other involved agencies, and the public.

Chapter 1.0 studies the potential significant adverse environmental impacts of the Project Refinements, if any, as compared to the plan studied in the 2013 SEIS, and proposes mitigation measures where applicable. For purposes of this FSEIS, the 2013 SEIS is the baseline against which the potential impacts of the Project Refinements are analyzed. For purposes of this FSEIS, the Project, with the Project Refinements, shall at times be referred to as the "Project," "Current Project," and/or "Current Proposed Action." Chapter 1.0 also summarizes the analyses contained in the accepted SEIS, and indicates where there have been no changes to such analyses.

Chapter 1.0 also studies the potential significant adverse environmental impacts of two layouts for roadway improvements to North Water Street (defined below), which provides access to the Project. As described below, the Center Road layout has always been proposed as part of the Project, and, in the Applicant's opinion, has been updated to comply with Fire Department requirements. The West Road layout, a concept of which was previously shown to the Planning Board in Fall 2017, is included in this FSEIS and the Current Site Plans in the event that the Applicant reaches a final signed agreement with the adjoining property owner to realign the Center Road approximately 25 feet to the west.

Chapter 2.0 includes all substantive comments regarding the Project received during the 2013 SEIS comment period, and a response to each comment based upon the Current Site Plans submitted with this FSEIS. Comments are organized by subject matter, and similar comments are grouped together. Based on prior discussions with the Lead Agency, Chapter 2.0 does not require an individual response to each comment received during the DEIS comment period because they all pertained to a former iteration of the Project involving the development of the two adjoining properties also owned by the Applicant, commonly known as the Plateau.

Chapter 3.0 contains the transcripts from the public hearings on the 2013 SEIS. Chapter 4.0 contains a copy of all comment letters received on the 2013 SEIS.



Chapter 5.0 is the Appendix, which contains all supporting documentation and various supporting technical studies. A full set of the Project's Current Site Plan drawings, as well as an updated Stormwater Pollution Prevention Plan and Stormwater Capacity Analysis Report, both of which were prepared by Petruccelli Engineering, are included in the Appendix.

PD.2 Background and Project History

The table below provides a comparison of the anticipated impacts associated with the 2008 DEIS Project, the 2013 SEIS Project, and the Current Proposed Action. Each of these plans are described in more detail following Table 1. As Table 1 shows, the Current Proposed Action is expected to result in reduced site disturbance impacts as compared to the 2013 SEIS due primarily to the elimination of the secondary emergency access roadway.

Table 1 2008 DEIS Project, 2013 SEIS Project, and Current Proposed Action Comparison

	2008 DEIS Project	2013 SEIS Project	Current Proposed Action
Zoning	Proposed Project includes: <ul style="list-style-type: none">• Rezone PRD portion of the site to WD-2 district• Text amendment to WD-2 district to give ability to waive mixed-use requirement• Conditional use permit• Area variance	Proposed Project includes: <ul style="list-style-type: none">• Special permit to allow 22 units per acre plus the application of density bonuses for use of green building techniques and provision of affordable housing, to achieve allowable density of 26.62 units per acre• Site was rezoned in 2009 to PW-a district, no rezoning required• Satisfies standards in Zoning Law Section 270-23 (PW Planned Waterfront Districts)	Same as 2013 SEIS
No. of Units/ Buildings	132 units in 4 buildings (mix of 1-, 2-, and 3-bedroom units): <ul style="list-style-type: none">• 24 units in renovated Pill Factory• 40 units in annex building• 56 units in plateau building• 12 units in townhouses	137 units in 1 building (mix of 1-, 2-, and 3-bedroom units)	137 units in 1 building (mix of 1- and 2-bedroom units)



Building Height	<ul style="list-style-type: none"> • Pill Factory: 3-4 stories (50 ft) • Annex: 4 stories (44 ft) • Plateau building: 6 stories (66 ft) • Townhouses: 2 and ½ stories (38 ft) 	6 stories (69.4 feet)	Same as 2013 SEIS
Visual Impact	Highly visible building on the plateau	No building on the plateau, larger but less visible single building, no upland areas will have their river views blocked	Same as 2013 SEIS
Development on Plateau	56 units in 6-story (66 feet) building	No development on plateau	Same as 2013 SEIS
Site Disturbance	<ul style="list-style-type: none"> • ±64,454 cy of cut with ±11,772 cy to be used as fill, ±52,682 cy removed • ±26.5 feet removed from top of plateau 	<ul style="list-style-type: none"> • ±24,900 cy of cut • ±24,000 cy of fill • ±900 cy removed from site 	±See Below
Project with Center Road, Rock Cut Scenario			<ul style="list-style-type: none"> • ±22,529 cy of cut • ±18,365 cy of fill ±4,163 cy removed from site ±5.4 Acres Site Disturbance ±1.0 acre Steep Slope Disturbance ±97 Trees to be removed
Project with Center Road, Grading Scenario			<ul style="list-style-type: none"> • ±38,072 cy of cut • ±26,116 cy of fill ±11,8460 cy removed from site ±6.2 acres Site Disturbance ±1.4 acre Steep Slope Disturbance ±184 Trees to be removed
Project with West Road, Rock Cut Scenario			<ul style="list-style-type: none"> • ±18,024 cy of cut • ±19,575 cy of fill ±1,551 cy imported to site (including ±1800cy to fill Conga Parcel to elevation 8) ±5.4 Acres Site Disturbance ±1.0 acre Steep Slope Disturbance ±97 Trees to be removed
Project with West Road, Grading Scenario			<ul style="list-style-type: none"> • ±38,269 cy of cut • ±19,505 cy of fill ±18,764 cy removed from site (including ±1800cy to fill Conga Parcel to elevation 8) ±6.2 acres Site Disturbance

			±1.4 acre Steep Slope Disturbance ±184 Trees to be removed
Floodplain	No floodplain issues	Revised FEMA Flood Maps indicate floodplains on-site, requiring: <ul style="list-style-type: none"> • Higher building elevations • Revised grading • Alternate access route for emergency access during 100-year storm events 	Primarily the same as 2013 SEIS <ul style="list-style-type: none"> • Alternate access roadway eliminated and North Water Street (defined below) to be improved to be compliant with FEMA/Fire Department requirements
Surface Water Resources	Impacts to 0.07 acres of the watercourse area.	No change to watercourse disturbance	No change to watercourse disturbance associated with relocating drainage culvert away from under the building
Traffic	<ul style="list-style-type: none"> • Peak AM: 11 vehicles entering, 54 vehicles exiting • Peak PM: 51 vehicles entering, 25 vehicles exiting 	<ul style="list-style-type: none"> • Peak AM: 11 vehicles entering, 55 vehicles exiting • Peak PM: 52 vehicles entering, 26 vehicles exiting 	Same as 2013
Parking Spaces	325 parking spaces <ul style="list-style-type: none"> • 118 spaces in plateau garage • 126 spaces in garage next to annex • 12 garage spaces for the townhouses • 23 surface spaces on plateau • 28 surface spaces at Mill Building • 18 surface spaces near townhouses 	193 parking spaces <ul style="list-style-type: none"> • 166 garage spaces • 27 surface spaces 	193 parking spaces <ul style="list-style-type: none"> • 147 garage spaces • 46 surface spaces
Population	261	321	295
School Children	11 school-age children	27 school-age children	19 school-age children based on the Rutgers multipliers; 8-11 school-age children based on actual data from comparable developments in the Village

PD.2.1 2008 Proposed Project and 2008 DEIS

In 2008, the Applicant prepared a Draft Environmental Impact Statement (DEIS) under SEQRA for the Project. The Project would be located along North Water Street in the northern end of the Village, in close proximity to the Hudson River.



For purposes of this FSEIS, the capitalized term “North Water Street” shall refer to both the public and private portions of what is commonly referred to as North Water Street. North Water Street is a public Village road for approximately 250 feet, extending from the intersection of Snowden Avenue and Water Street, to the Village’s existing pump station. The balance of the existing pavement leading from the pump station to the Project Site (defined below), which pavement is also commonly referred to as North Water Street or the North Water Street Extension, is a private road that crosses private properties pursuant to what the Applicant believes are existing easements. This private portion of North Water Street has been in use and accessible by the public since approximately the 1940s.

As described herein and shown on the Current Site Plans, the Applicant proposes to improve and realign North Water Street along its full length from Snowden Avenue to the Project Site to provide safe and adequate access to the Project. The Applicant shall provide sufficient documentation to the Village’s satisfaction that it is legally entitled to install the proposed roadway improvements pursuant to the existing and/or updated easements (or other rights) as a condition of Site Plan Approval and prior to obtaining a Building Permit. The Applicant shall also cause the other private property owners subject to an easement to update their site plan on file with the Village by letter application or as otherwise required by the Village to reflect the improved and realigned North Water Street.

In 2008, the Project was proposed to be located on a site owned by the Applicant known as Section 89.14, Block 1, Lot 11 on the Village Tax Map, as well as two other adjoining lots also owned by the Applicant and commonly known as the plateau (Section 89.18, Block 1, Lots 5 & 6) (the “Plateau Properties” or “Plateau”). As discussed below, in response to comments from the Planning Board, the Plateau Properties are not proposed for residential development at this time under the Current Project. Lot 5 would permanently contain grading and/or rock cut associated with the roadway improvements along North Water Street. A declaration or other binding legal instrument would be recorded by the owner of Lot 5 prior to construction and to the satisfaction of the Village, providing that such grading and/or rock cut shall be maintained and continue on Lot 5 in perpetuity. For purposes of this FSEIS, the term “Project Site” or “Site” shall refer to Section 89.14, Block, 1, Lot 11.



The proposed redevelopment in 2008 corrected a split zoning of a portion of the Applicant's properties, and contemplated the construction of 132 total residential units in four buildings, including: the then-existing mill building containing 24 units; an adjacent annex building with 40 units; a 56-unit building to be constructed on the Plateau; and 12 townhouse units to the west at the base of the Plateau (the "2008 Proposed Project").

The 2008 Proposed Project included a total of 325 parking spaces to be provided on-site, 118 of which would have been located in a garage on the Plateau lots, and 126 of which would have been located in a garage next to the annex building. The townhomes would have provided 12 garage spaces. An additional 23 surface parking spaces would have been provided at the Plateau building, 28 surface parking spaces at the mill building, and 18 surface parking spaces near the townhouses. The 2008 Proposed Project also involved improving North Water Street to provide safe access to the Project.

The 2008 DEIS that studied the 2008 Proposed Project followed the DEIS Scope adopted by the Planning Board. The DEIS also examined several alternatives, including an alternative development scenario in which the existing buildings would be demolished. The DEIS was accepted as complete, and the Planning Board conducted a Public Hearing on the DEIS in December 2008. Written comments were received in December 2008 and January 2009.

PD.2.2 2011 Alternative Site Plan and 2013 SEIS

Following the DEIS public comment period, the Applicant revised the 2008 Proposed Project based on the comments received on the DEIS, and in light of 2009 amendments to the Village's Zoning Law, Zoning Map and Plan. The Village's re-zoning changed the zoning classification of the Site (Lot 11) to PW-a. A key revision to the Project made by the Applicant was removing the residential redevelopment of the Plateau from the Project in response to the Planning Board's and the public's comments. This resulted in the current proposal for a single, six-story building on the Site, containing all of the Project's density on most of the previously disturbed area on the Site. The Planning Board expressed a preference for this layout as compared to the 2008 Proposed Project, which called for the Project's density to be contained within 4 residential buildings, including townhouse units and the adaptive re-use of the mill building, spread across the Site and the Plateau Properties.



The Applicant appeared before the Planning Board on November 22, 2011, to present an alternative site plan that reflected the Village's 2009 rezoning for the Site and other revisions since the 2008 DEIS (the "2011 Alternative Site Plan"). The 2011 Alternative Site Plan included demolition of the then-existing buildings on the Site, and redevelopment of the Site (now zoned PW-a) with a single, six-story residential building solely on Lot 11. The building would have included 137 rental apartments, with a unit mix of 25 one-bedroom units, 98 two-bedroom units, and 14 three-bedroom units. 14 of the 137 units would have been maintained as affordable. The 2011 Alternative Site Plan did not include development of the adjacent Plateau Properties, which is zoned CDD. A total of 193 parking spaces would have been provided, including 166 garage parking spaces and 27 surface spaces.

On April 3, 2012, the Applicant's representatives met with Village staff, consultants and Fire Department officials to review secondary access and circulation in the event that North Water Street was flooded due to a storm event. As a result of that meeting, the Applicant made further revisions to the plan to provide adequate access and circulation, and to design a secondary access road, which would provide adequate width and turning radius to accommodate Village Fire apparatus.¹ In addition, the finished floor elevation of the garage was revised from 12 to 15 to account for the elevation changes in the revised FEMA Flood Maps. The stormwater conveyances were also revised due to the revised access plan and building elevations.

The Planning Board determined that although the 2011 Alternative Site Plan was studied as an alternative in the 2008 DEIS, the 2008 DEIS did not contain sufficient information relative to these revisions to permit the Planning Board to make SEQRA Findings with regard to the potential environmental impacts. Therefore, the Planning Board required the preparation of a Supplemental Environmental Impact Statement ("SEIS"). The SEIS was intended to analyze the new potentially significant adverse environmental impacts, if any, resulting from proposed Project changes reflected in the 2011 Alternative Site Plan, which the Planning Board felt were not addressed, or inadequately addressed, in the 2008 DEIS.



¹ Meeting on April 3, 2012 attended by: Fire Chief Thomas Reddy; Paul Fraioli, Village Engineer; Alberto Ciraco, Director of Code Enforcement/Building Inspector; Joe Cermele PE, Kellard-Sessions Engineers; Valerie Monastra, Village Planner; Rudolph Petrucci PE (for the Applicant); Gina Martini (for the Applicant).



On July 24, 2012, the Planning Board held a Public Hearing on the scope for the SEIS. The public comment period was held open until August 22, 2012. The final SEIS Scope was adopted by the Planning Board on August 28, 2012.

In October 2012, the Applicant prepared a preliminary SEIS, which was submitted to the Planning Board for review. Based on comments from Village professional staff and consultants, the Applicant further revised and re-submitted the SEIS. On December 19, 2012, the SEIS was accepted as complete in terms of scope, content and adequacy. A Public Hearing was held on the SEIS on January 29, 2013 (as defined above, the "2013 SEIS"). The comment period was held open through February 26, 2013.

PD.2.3 2017-2018 Refinements to the Project Since the 2013 SEIS

In this FSEIS, the Applicant proposes certain additional refinements to the Project that were not previously shown on the 2011 Alternative Site Plan or studied in the 2013 SEIS. These further refinements (collectively, as defined above, the "Project Refinements") are, as follows:

1. Eliminate 3-BR units.

This revision to the Project reflects Local Law No. 4-2014, in which the Village Zoning Law was amended to eliminate the mandatory ten percent requirement for inclusion of three-bedroom units in the bedroom mix for residential projects in the PW-a zoning districts. This made the inclusion of three-bedroom units discretionary. It is the Applicant's position that the Project would be more marketable in this location in the Village without three-bedroom units. The total number of dwelling units has not changed.

2. Eliminate Secondary Emergency Access.

The Applicant, together with Village Fire Department officials, determined that the secondary emergency access road proposed as part of the 2011 Alternative Site Plan would be difficult to construct per Village Code due to existing topography and would require offsite improvements to an existing driveway not controlled by the Applicant. Given these constraints, the Applicant could not construct an emergency access road having sufficient width to accommodate fire trucks. The Applicant could only have installed an emergency access road wide enough for pedestrian vehicles.



In a very early version of the plan, the Applicant also explored the possibility of creating fire loop road around the perimeter of the building. This concept was not feasible because emergency vehicles would not have sufficient distance for fire trucks and fire ladders and this option did not allow sufficient turning radius for fire trucks. In consultation with the Fire Department, an alternative emergency access plan was proposed to raise North Water Street to an elevation that would allow emergency vehicles to access the Project Site (and adjacent parcels) during a 100-year storm event. During a meeting on June 2, 2017 with the Applicant's representatives and Village staff, the Fire Chief indicated that a roadway having an elevation no more than 2 feet below the 100-year flood elevation 10, as mapped by FEMA, would provide the requisite emergency access to the Project. As designed, approximately 600 linear feet of the ±1700 linear feet improved roadway is required to be raised to a minimum elevation 8. Approximately 400 feet will require 0 to 2 feet of fill, approximately 100 feet of roadway will require 2 to 3 feet of fill, and approximately 100 feet of the roadway will require up to 3.3 feet of fill at the area low point within the Conga Property (defined below). The Applicant shall arrange for the Fire Department to conduct a final review of the Current Site Plans to confirm that they satisfy the Department's comments. The outcome of the Fire Department's final review shall be reflected in the SEQRA Findings, and any Site Plan approval for the Project.

With these and other design elements, it is the Applicant's opinion that the improved Road would provide greater safety and accessibility to pedestrians, and vehicular traffic. The Applicant believes that this is especially critical in that the Village has identified North Water Street as a public access route to the Crawbuckie Nature Preserve.

3. Revise Building Footprint.

As part of the revisions reflected on the Current Site Plans to address emergency access, the building footprint was revised to eliminate the 'bump out' on the north side of the building. The drive aisle and parking lot are now proposed to extend in front of the full length of the building to provide fire truck access in compliance with Appendix D of the 2015 International Fire Code.



4. West Road Alternative.

As part of the Project, the Applicant has always proposed to improve the existing road along North Water Street. The improvements would include pavement, sidewalk, curbs, utilities, drainage, lighting, and other related improvements along a 30-foot right-of-way (collectively, the "Road"). Portions of the Road would be built on property owned by: (i) the Village (Section 89.18, Block 1, Lot 11) (the "Village Property")², (ii) Conga Realty LLC (formerly Santucci) (Section 89.18, Block 1, Lots 3 and 10) (the "Conga Property"), and (iii) Hanrahan Gioio Realty, LLC (commonly known as Castle Plumbing) (Section 89.18, Block 1, Lot 4) (the "Castle Property"), pursuant to various easement and other legal rights of access, which, in the Applicant's opinion, it currently possesses over these properties. The Applicant shall provide sufficient documentation to the Village's satisfaction that it is legally entitled to install the proposed Road improvements pursuant to such easements or other rights as a condition of Site Plan Approval and prior to obtaining a Building Permit

In this FSEIS and on the accompanying Current Site Plans, an additional Road layout alternative is studied and shown only for that limited portion of the Road that would cross the Conga Property. To date, the Project has shown the Road to be improved in its existing location, which crosses the Conga Property generally through its center (the "Center Road" or "Center Road Alternative"). The new alternative shows the portion of the Road on the Conga Property shifted approximately 25 feet to the west (the "West Road" or "West Road Alternative"), in the event that the Applicant and Conga reach a final written agreement to realign the Road in this manner. This concept was previously shown to the Planning Board in Fall 2017, and is now formally included as part of the Current Project as a roadway alternative to allow flexibility for the final Road design during the Building Permit stage.

Finally, while no other changes have been made to the 2011 Alternative Site Plan (which was studied in the 2013 SEIS) other than those noted above, the Project Site Plans (last revised June 18, 2018) and Stormwater Pollution Prevention Plan ("SWPPP") (last revised June 18, 2018), have been updated to reflect prior comments of the Planning Board and the Board's Engineering Consultant.

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² This Lot 11 is commonly referred to as "Lot 6" based on the prior tax map designation. For purposes of this FSEIS, the Village Property will also be referred to as Lot 6 to be consistent with its common usage.

PD.3 Project Description

The Current Proposed Action involves the construction of a new, six-story residential building, together with new pavement, sidewalk and other off-Site roadway improvements to North Water Street in order to, in the Applicant's opinion, provide safe, code-compliant access to the Project Site and other surrounding properties.

In addition to raising North Water Street to an elevation that allows emergency vehicles to access the Project Site and adjacent parcels, including Crawbuckie Nature Preserve, during a 100-year flood event, horizontal alignment improvements are proposed to eliminate sharp curves and improve sight lines to construct a Road that meets Village standards. All recommendations from the Planning Board's Engineering Consultant have been incorporated into the off-Site roadway design (North Water Street) as shown on the Current Site Plans. As mentioned, final review by the Village Fire Department is pending, and shall be reflected in the SEQRA Findings and any Site Plan approval for the Project.

The proposed building would occupy most of the previously developed, flat area on the Project Site, and be constructed into the hillside to minimize viewshed impacts from all ordinal points, and especially points east. (see Current Site Plans). The height and location of the proposed building are such that no upland areas will have their views of the River blocked. From the house located at 10 North Water Street, the new building will be located to the north of the house while the Hudson River is located to the west of the house. From the Hudson River, the new building will present similar overall massing to the former mill building. From the River, Snowden House, will still be clearly visible in the distance located further east of Hidden Cove. The proposed building is also positioned perpendicular to the Hudson River in order to preserve view corridors to and from the River. The view from the north would be partially obstructed by the industrial uses located north of Hidden Cove. The visual renderings included in this FSEIS at the rear of Chapter 1.0, demonstrate that the building's massing and orientation would not result in any significant adverse viewshed impacts. The building would be constructed in conformance with the zoning regulations, meeting all building setback and height requirements. Onsite parking will be included in the lower level and within exterior parking lots along the north side of the building.

The proposed residential building would be composed of masonry and glass. Architecture for the proposed building, in form and massing, is intended to be reflective of the light industrial, manufacturing architecture existing historically up and down the Hudson Riverfront, and in particular in Lower Hudson Valley communities



such as the Village of Ossining. The intent is not to replicate that architecture but to honor that history while also linking it, on this Site, with the 21st century with regard to aesthetics and function.

The front elevation of the building (North façade), in terms of massing, presents three “individuals” linked by much visually lighter connective hyphens (*i.e.*, recessed areas on the façade), allowing the three individuals to be the anchors. This design provides depth to the building, avoids a monolithic wall, and lends a scale and proportion that supports the concept of several buildings, collectively reminiscent of Hudson River buildings from another time.

The building will have at its lowest level a continuous cut stone masonry base that will serve to visually anchor it to the site and also to unify its footprint where it engages with the ground. Above this will be a combination of rust or deep red brick colored stucco at the three anchor elements – east, center, west - and clear glass wall systems at the two connecting sections between. At the top story of the building will be a combination of solid mass and of clear glass, providing visual hierarchy and a lightening of the top floor where it visually meets the sky.

As the front façade turns to form the west (Hudson River) façade, the massing wraps around anchoring the building end. Balconies accent the massing vertically with a semi-recessed exterior space, drawing one’s eye visually down the façade.

The design of the building includes a vestibule/lobby element that gives the primary façade a progressive, sculptural focal point. It contributes positively to the organizational hierarchy of the building’s general appearance and primary elevation. It supports intuitive way-finding and enhances a sense of arrival. Access to the new building is proposed through the lobby located along the north face of the building where residents and guests will arrive at street level, after being dropped off in front or having parked in the exterior lot, or parking in assigned spaces in the ground floor interior parking facility.

Within the interior it offers a day-lit, two-story entry space with an elevator and open stair that will be welcoming and spacious while also being comfortably integral and easy to navigate. This is where guests and residents will rise from the sidewalk/garage level to the main lobby at the first floor.



The new six-story residential building would include 137 rental apartments, including 34 one-bedroom units and 103 two-bedroom units. As mentioned, no three-bedroom units are proposed as a result of the change in Village Zoning requirements. The Project will include 14 affordable units. There are 6 similar floors of apartments situated on both sides of a corridor that runs east-west. The apartments are all designed such that each apartment has a direct or indirect view of the Hudson River.

Vehicular access to the garage is just east of the main entrance. There is a second vehicular access to the parking garage to the west, just off North Water Street. A total of 189 parking spaces are required for the Project. As currently proposed, a total of 193 parking spaces will be provided, including 147 garage parking spaces and 46 outdoor surface parking spaces. The total parking allocation will include 183 standard parking spaces, plus 10 handicap spaces.

The Project will provide on-site amenities for Project residents, including an enclosed swimming pool, exercise room, and concierge. A deck over the parking level will provide outdoor recreation space. Access to the recreation deck and pool is from the elevators and the lobby.

At this Site Plan stage of the Project, the specific mechanical systems (heating, ventilation, air conditioning) are not yet designed. Conceptually, the intent is that the HVAC will take a unitized approach, such that each apartment HVAC will be self-contained. With such an approach each apartment would enjoy significant control over its individual climate settings, and encourage both comfort and energy efficiency. The elevation drawings included with this submission show subtle grilles at windows, anticipating the possibility of air exchange systems located at exterior walls. The common areas are planned to utilize a geothermal HVAC system to complement the overall sustainability goals of the property.

The revised FEMA Flood Maps indicate that the 1% storm is at elevation 10, up from 7, and the 0.2% storm is at elevation 15. As a result of the elevation changes, the garage finished floor was previously revised in the 2013 SEIS from 12 to 15, and the Road network to the building has been designed to accommodate the new building elevations.

The proposed Stormwater Management Plan for the Project is described in Chapter 1.0. In summary, the Project would adequately manage the stormwater flows for water quality and quantity, in accordance with the Village standards and compliance with the New York State Department of Environmental Conservation Stormwater Design



Manual. The building contains two separate roof structures. The highest section over the residential units is designed as a detention facility with a metered outflow (the roof would not provide water quality). Water quality mitigation for this portion of the roof would be provided within the proposed infiltration practice north of the building in the exterior parking lot, which is also designed to incorporate porous pavement to capture and infiltrate stormwater runoff. The lower roof within the southerly section of the building is designed as a Green Roof to provide the requisite water quality treatment for stormwater runoff.

The stormwater management plan for the off-Site roadway improvements to North Water Street include the construction of a new collection system comprising of catch basins with sumps and a piping network. Runoff from the southerly section of the road (off site) will be directed to hydrodynamic separators to provide water quality mitigation prior to discharging into the Hudson River. Runoff from the northerly section of road (on site) will be directed to infiltration trenches to provide water quality and runoff reduction prior to discharging into the Hudson River. See Appendix 5.7 for the complete Stormwater Pollution Prevention Plan.

PD.3.1 Public Benefits

PD.3.1.1 Shared Benefits

It is the Applicant's opinion that the Project would provide certain benefits that will be mutually enjoyed by the private Applicant and the public at large. The Applicant is not specifically seeking a density bonus for these mutual benefits. They include, for example:

- Newly reconstructed North Water Street – the realigned and improved Road would benefit the Applicant, other property owners along North Water Street, and the public.
- Sidewalk for safer pedestrian access to the Project Site and Crawbuckie Nature Preserve, as well as across the Village's Lot 6
- Opportunity to extend the RiverWalk along a significant length of waterfront
- Improved infrastructure by relocating a water line currently situated beneath an existing structure on the Castle Property to provide an alignment free and clear of any physical obstructions for improved maintenance access.
- Improved stormwater management for the Road as compared to existing conditions, reducing the impact of untreated stormwater runoff on the Hudson River



- Implementation of the Village's Planned Waterfront zoning, and the Comprehensive Plan for the Northern Waterfront District, which will help achieve the Village's goals for the waterfront area

PD.3.1.2 Benefits for Public At Large

The Project will also include certain public benefits that are not needed for the Project, but which will further benefit the community, and for which the Applicant is not specifically seeking a density bonus. These include:

- Open-air pavilion celebrating the mill building
- 1.2 acres set aside as a Conservation Easement to the east of the proposed building, in favor of the Village

Open Air Pavilion

The Open-Air Pavilion is described in further detail in FSEIS Chapter 1. It would be built and maintained by the Applicant as a tribute to the former mill building.

The Village would be consulted with respect to the educational signage and other commemorative features within the Pavilion. The Applicant would grant a public easement in favor of the Village to guarantee the public's right to access the Project Site in perpetuity to enjoy the Pavilion, as well as memorialize the Applicant's maintenance obligations.

The Open Air Pavilion is proposed as part of the Project, in part, in recognition of the inability to preserve and adaptively re-use the former office building on the Site. As indicated in the updated report prepared by DeNardis Engineering LLC, dated June 15, 2018 (see Appendix 5.1), the office building is structurally deteriorated, and cannot be safely restored or relocated. DeNardis recommends demolition of the office building. DeNardis also concludes that bricks from the front façade of the office building may be salvageable for re-use for commemorative purposes within the Open Air Pavilion. The Applicant commits to re-use and display bricks within the Pavilion for such purposes to the extent feasible.

1.2-Acre Conservation Easement

The 1.2-acre Conservation Easement area is shown on the Current Site Plans. Figure 2 shows a potential connector trail for walking/hiking between the Conservation Easement area and Crawbuckie Preserve. The Applicant would be responsible to



maintain the Conservation Easement area, including to keep the unpaved connector trail free from obstructions. The Applicant would record a Conservation Easement against this portion of the Site, providing for, among other things, public access and the Applicant's maintenance obligations.

PD.3.2 Two Roadway Alternatives

The Project will be served by an improved access connection to North Water Street. North Water Street is an existing two-lane roadway of varying widths, which runs generally in a north/south direction through the area. North Water Street originates at an "all way stop" intersection with Snowden Avenue and opposite Water Street. It continues in a northerly direction, crossing the Conga Property, Castle Property, and Project Site, and terminates at the access to the Clear Cast Technologies and Diamond Dairy properties. The existing pavement is in various states of disrepair, and lacks sidewalk, curbing, lighting, and proper stormwater management facilities. All of the roadway is well below the 100-year flood elevation within the Conga Property and is prone to flooding during extreme rainfall events.

This FSEIS studies two (2) alternative layouts for roadway improvements to North Water Street to provide safe and improved access to the Project and surrounding properties. The Proposed Action remains what is now known as the **Center Road Alternative**. The Center Road Alternative is the same horizontal layout as studied in the 2008 DEIS and 2013 SEIS. It would keep the offsite Road within the existing public right-of-way on the Village's Lot 6, except for a 882 sf portion, which requires an easement or license by the Village. It is the Applicant's opinion that the Center Road Alternative would also keep the offsite Road within the existing easement locations across the Conga Property and Castle Property. The Applicant would confirm its easement rights to the satisfaction of the Village as a condition of Site Plan Approval and prior to the issuance of a Building Permit. The newly shown **West Road Alternative** would relocate the portion of the roadway on the Conga Property approximately 25 feet to the west of the Center Road Alternative. The West Road Alternative is being studied in this FSEIS so that additional SEQRA and site plan review would not be required in the event that the Applicant and the owner of the Conga Property enter into a final written agreement to relocate this portion of the Road to the west. Both alternatives are described below.



PD.3.2.1 Center Road Alternative

It is the Applicant's opinion that the Current Site Plans have been designed to address safe vehicular/pedestrian circulation and site access in compliance with the Village Fire Department's requirements for emergency access, and the 2015 International Fire Code. The Current Site Plans submitted with this FSEIS have been updated to include the engineering details of the horizontal and vertical alignment of a new, 30-foot wide improved right-of-way, including two, 12-foot wide vehicular travel lanes, a 4-foot wide sidewalk, curbs, and a new stormwater collection system designed in compliance with NYSDEC and Village standards.

As mentioned, it is the Applicant's opinion that the Center Road Alternative would be constructed within existing easements across the Conga and Castle Properties, and the existing easements do not need to be modified. The Center Road Alternative is consistent with the Road as shown on recent site plans for the Conga Property, including the location of the access Road (North Water Street) across that property. The portion of the existing Road within the Castle Property would be widened onto the Applicant-owned Lot 5. Any disagreement with another private property owner regarding the parties' respective rights under the existing easements would need to be resolved as a condition of Site Plan Approval prior to the issuance of a Building Permit.

Under the Center Road Alternative, the improvements to North Water Street would be generally in the same location as the existing pavement and traveled way as it exists today, and has existed for decades. The existing traveled way traverses through the Village-owned Lot 6, and the Conga and Castle Properties to the Project Site owned by the Applicant. The Road is designed to be in conformance with Village standards for both horizontal and vertical alignment as detailed below.

Horizontal Alignment Improvements

The Road is designed to meet the Village roadway design standards, including the following:

- Minimum horizontal radius of 150 feet
- Minimum tangent between curves of 50 feet
- Maximum grade of 6%



- 300-foot sight distance

With these improvements, and as shown on the Current Site Plans, driveway curb cuts will be defined to maintain access to the adjacent buildings and parking areas within the Conga and Castle Properties. These proposed curb cuts are generally consistent with those shown on an approved Site Plan for the Conga Property, and generally consistent with the existing curb cuts within the Castle Property.

The horizontal alignment of the roadway is proposed to be straightened starting at approximate station $\pm 8+00$, and running north through the Castle Property to station $\pm 11+60$. This requires an excavation within the adjacent Tax Lot 5, also owned by the Applicant and otherwise known as one of the Plateau Properties. Currently, the easterly edge of the roadway in this location is confined in part by a rock face ranging up to 40 feet in height.

The improved Road alignment is shifted approximately 30 feet to the east into the rock face to achieve a roadway design compliant with Village Code.

Two grading alternatives within Tax Lot 5 have been considered with this application. The Plan discussed in the 2013 SEIS included the grading of a 2:1 slope to meet existing grade resulting in approximately 13,300 cubic feet of cut material, disturbing an area of approximately 27,000 square feet. The alternative grading plan being considered to minimize impacts consist of utilizing a proposed rock face cut graded at a 5:1 slope. The alternative is shown on the Current Site Plans, and is the preferred alternative for the Project provided that the rock proves stable during construction. The grading and tree removal impacts for both alternatives are included in section PD.2 Table 1 of this chapter. Renderings showing the two grading alternatives are shown at the rear of Chapter 1.

Vertical Alignment Improvements

In 2013, the 100-year Base Flood Elevation was revised by FEMA to elevation 10 in the vicinity of the Project. The Village Fire Department requested that the improved Road, serving as fire/emergency access, be constructed such that no more than two (2) feet of standing water would potentially flood the Roadway. In response to the Fire Department's requirements, the improved Road is



shown at a minimum elevation of 8' such that emergency vehicles can access the Site during the 100-year flood.

The existing roadway predominantly ranges in elevation from 10 to elevation 6. A small portion of the existing road at the area low point within the Conga Property is at elevation 5.2, requiring a minimum elevation change of 2.8 feet. The proposed Road is shown to be within a fill section from station $\pm 2+50$ to station $\pm 8+50$ and require approximately 2,700 cy of structural fill. This will require the improved 30-foot wide Road section to be supported by retaining walls, of varying heights. Approximately 400 linear feet of the roadway will require retaining walls ranging in height from 12 inches to 24 inches, approximately 100 linear feet of roadway will require retaining walls up to 36 inches in height, and approximately 100 linear feet of the roadway will require retaining walls having a maximum height of 42 inches. The fill required for this elevation change will be generated on-Site from the cut sections within the proposed building footprint, minimizing construction traffic beyond North Water Street.

In order to maintain vehicular access to the existing buildings within the Conga Property, grading is required as shown on the Current Site Plans in order to provide a transition from the new elevation of the improved Road to the existing elevation within the Conga Property. These fill sections are located within designated driveway and parking facility locations specified on the approved site plan for this property. The elevation change and filled sections, once completed, would permit safe and functional access and use of the Conga Property comparable with existing conditions. New curb cuts are shown on the Current Site Plans with proposed driveway access locations having slopes consistent with the Village standards. This regrading outside the 30-foot right-of-way is generally confined to approximately 11,000 square feet in area, and approximately 300 cubic yards of fill to provide access to existing buildings on both the east and west side of the new roadway. Turning movements have been analyzed along the newly graded driveway to the Conga Property to provide adequate 3 point turning for passenger vehicles and a dump truck measuring 23 feet in length. Longer vehicles were studied; however, additional movements are required to turn the longer vehicle. Upon review of the existing Site Plan for the Conga Property, the proposed configuration does not appear to limit the turning movement previously provided.



The Conga Property owner would continue to have ingress/egress to its building through the door on the south side of the building. For the owner to maintain its east-side building access, this could be achieved by raising the sill of the already unsafe doors (which open just a few feet from the travelled way) to meet the elevation of the improved Road and sidewalk, with a step-down into the building. This would improve safety conditions by creating access from the doors onto a sidewalk rather than a travelled way.

With respect to the Castle Property, minimal elevation change is required because the lowest elevation is 7 in the driveway area south of the building. Approximately 50 cubic yards of fill are required within approximately 3,200 square feet to regrade the driveway to maintain access from a new curb cut. No change in elevation is required within the parking area to the north of the Castle Property.

Stormwater Management

Existing Conditions: All stormwater runoff from the Conga Property and uphill contributing areas is directed to a catch basin at the area low point south of the existing masonry building adjacent to the MTA railroad on the west side of the existing road. Runoff discharges directly to the Hudson River without water quality or quantity control. Runoff from the catch basin is piped approximately 30' to an existing culvert under the MTA tracks.

Proposed Condition: As described below in Chapter 1.6, a new stormwater collection system is proposed to adequately manage the stormwater runoff from the improved Road, in accordance with the NYSDEC and Village standards. In summary, runoff from the improved roadway will be directed to a series of new catch basins and will be directed to hydrodynamic separators and infiltration trenches, sized to attenuate the required water quality volume (WQv) and runoff reduction (RR) of the stormwater for this improved offsite Road.

To maintain the existing drainage patterns within the Conga Property, a new catch basin on the east side of the improved Road will be located to receive stormwater runoff from uphill areas and discharge to the Hudson River through an existing culvert under the MTA railroad. The Applicant would be responsible to construct this catch basin, and demonstrate to the satisfaction of the Village



prior to the issuance of a Building Permit that either the Applicant or Conga would be responsible for maintaining it.

It is the Applicant's opinion that the new stormwater management system for the Road would be a benefit shared by the Applicant and the public, even though the Road and its attendant infrastructure is necessary for the development of the Project. The new stormwater infrastructure would provide enhanced water quality treatment of runoff from the Site and existing North Water Street prior to discharge to the Hudson River as compared to existing conditions.

PD.3.2.2 West Road Alternative

The West Road Alternative would shift the portion of the improved North Water Street on the Conga Property approximately 25 feet to the west of the Center Road Alternative.

The West Road Alternative would modify the horizontal alignment of the Road from Sta $\pm 3+00$ (adjacent to Village-owned Lot 6) to Sta $\pm 9+00$, where the Roadway would then continue to cross the Castle Property as shown in the Center Road Alternative and into the Project Site. This alternative horizontal realignment requires a signed agreement with the owner of the Conga Property, including its obligation to demolish an existing building located on the Conga Property located within this potential realigned right-of-way 25 feet to the west.

It shall be noted that the horizontal alignment improvements within the Castle Property is identical in both Road Alternatives, as well as the two grading alternatives on lot 5.

The proposed vertical alignment under the West Road Alternative would be the same as the vertical alignment proposed under the Center Road Alternative. It would have a minimum elevation of 8. The West Road Alternative would require the same amount of fill to construct the Road to the minimum elevation 8 (± 2700 cubic yards) as the existing grade is generally consistent from the existing traveled way to the westerly property line. The proposed curb cuts within the Conga Property are shown on the Current Site Plans, and would require a similar area of disturbance and amount of fill to meet existing grade from the raised Road elevation.



Stormwater Management – West Road Alternative

The stormwater collection system for the West Road Alternative follows the same design standards as those for the roadway in the Center Road Alternative. Runoff will be directed to catch basins and hydrodynamic separators and infiltrators sized to attenuate the required water quality volume (WQv) and Runoff Reduction (RRv). This alignment will require the existing catch basin in the Conga Property to be relocated to the west to ensure the existing flow of stormwater runoff can be captured and directed to the Hudson River to maintain the existing drainage patterns.

PD.3.2.3 Roadway Maintenance

The Applicant would be responsible, at its own cost, for the maintenance, repair and replacement of the Road, including snowplowing, as reasonably necessary to maintain the Road in good and functional operating condition, and to insure the provision of safe access by emergency vehicles. The Applicant would record an agreement, enforceable by the Village, memorializing this obligation prior to the issuance of a Building Permit.

The Applicant may, in the future, share in the costs to maintain, repair and replace the Road with other private property owners along North Water Street pursuant to a Road Maintenance Agreement, owner's association, or another legally enforceable mechanism to memorialize such shared obligations.

PD.3.3 Zoning Compliance

In the Applicant's opinion, the Project, which would be located in the PW-a Zoning District (Northern Waterfront Subdistrict), would meet the Village's goals and criteria outlined in Sections 270-23A and F of the Village's Zoning Law.

PD.3.3.1 Zoning Law Section 270-23A

This Section does not set forth any requirements or standards that a proposed development must satisfy, but rather it expresses the Village's policy goals and objectives in establishing the Planned Waterfront Districts in the Village. The stated purpose of the Village's Planned Waterfront Districts is "to establish a carefully designed mixed-use development plan for the waterfront area that



will implement the planning goals and objectives of the Comprehensive Plan, and the Local Waterfront Revitalization Plan, and protect and promote the environment and public health, safety and general welfare of the community.”

Section 270-23A identifies six (6) ways by which this purpose may be achieved. It is the Applicant’s opinion that the Project’s consistency with the Village’s Planned Waterfront Zoning Regulations is demonstrated by the Project’s compliance with all 6 of these measures, as follows:

270-23A(1) – The Project would consist of residential, recreational and open space uses, which would “enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area.” The Project proposes, for example, 137 residential units – including 10% affordable – in a building whose architecture has been designed to be aesthetically compatible with the waterfront, as well as pay homage to the Site’s historic light industrial use. The Project would also include a 1.2-acre Conservation Easement area, which would be preserved as open space adjacent to the Crawbuckie Preserve, and made available to the public for recreational walking and hiking. The Project’s Open Air Pavilion would be a tribute to the Site’s former historic buildings. Moreover, the Project would enhance the environment through, among other things, the Project’s new stormwater management systems for the Site and off-Site Road, and its green sustainable measures for which the Applicant is committed to achieving a LEED Silver certification.

270-23A(2) – The Project would provide certain amenities that would “draw people to the riverfront and encourage public use and enjoyment of the area.” As mentioned, the Open Air Pavilion is intended to be an inviting destination for the public’s use and enjoyment. It has been relocated in the Current Site Plans closer to the proposed sidewalk along North Water Street so that it can be easily accessed by the public. The Project would also set aside 1.2 acres as a Conservation Easement for recreational use adjacent to the Crawbuckie Preserve.

270-23A(3) – The Project’s new stormwater management system would improve the quality of the water discharging into the Hudson River, as desired under this subsection. The Project would also avoid construction on “steeply sloped areas” by concentrating the building on most of the previously disturbed area of the Site. The Project would also “protect scenic views” by situating the building perpendicular to the River.



270-23A(4) – As mentioned above under subsection A(1), the Project would “protect the sensitive aesthetic, recreational, historic and environmental features that exist in the waterfront.”

270-23A(5) – The Project would “preserve views of the Hudson River and Hudson Palisades” through its perpendicular orientation to the River. As described in Section PD.3 of the FSEIS, no views of the River would be blocked from residences located east of the Project Site.

270-23A(6) – The Project would meet the redevelopment goals of this subsection, including it will “bring people to the waterfront,” “screen parking” as approximately 75% of the parking spaces would be within the garage, and provide “various housing opportunities,” including affordable housing to “help meet the needs of the community.” The Project would also “provide economic support” for the Village by resulting in net tax revenues for the Village (and all other taxing jurisdictions).

In summary, it is the Applicant’s opinion that the Project fulfills the Village’s goals and objectives for the PW-a District as set forth in Section 270-23A of the Zoning Law.

PD.3.3.2 Zoning Law 270-23F

This Section identifies five (5) “special provisions” that apply to Planned Waterfront Districts. It is the Applicant’s opinion that the Project would comply with each of these provisions, as follows:

270-23F(1) – Open space has been maximized. The Project will set aside 1.2 acres adjoining the Crawbuckie Preserve as a Conservation Easement, with connectivity to the Preserve as shown on Figure 2.

270-23F(2) – The Project satisfies the building width and open area requirements of this subsection. The dimensions of the building width and uninterrupted open space areas in compliance with the stated requirements are shown on the Site Plan Sheet 7 of 37.

270-23F(3) – The photo simulations included at the rear of Chapter 1 of the FSEIS demonstrate that the Project would not result in any significant adverse visual impacts. The building’s massing and orientation has been carefully designed and situated perpendicular to the River to maintain visual



corridors. The 6-story building height complies with zoning. The building has also been located on the Site in the general location of the existing footprint of the Brandreth Pill Factory within the level portion of the site, utilizing the steep slopes to shield the mass of the building from the views to the south and east.

270-23F(4) – The Project “preserves and enhances the natural ecosystem on the Site . . . to the maximum extent practicable.” With respect to each of the enumerated elements identified in this subsection, it is the Applicant’s opinion that the Project complies, as follows:

(a) – Streams and other water bodies. - Drainage culvert will be relocated away from under the building to under the parking lot and roadway to facilitate long-term maintenance of this culvert as well as minimize structural interference with the proposed building. Improvements to existing open stream and deteriorated box culvert will improve drainage of off-site flow by providing sufficient capacity to handle the offsite flow for the 100 year storm event.

(b) - Forested uplands. – The Project Site contains no forested uplands that would be impacted as part of the Proposed Project.

(c) - Views of the Hudson River, forested uplands and other natural features from public rights-of-way. – The Project will not obstruct views of the Hudson River from any public rights-of-way. All existing viewsheds of the River have been preserved.

(d) – Wetlands, swamps and vernal pools. - Drainage culvert will be relocated under the roadway. Improvements to existing open stream and deteriorated box culvert will improve drainage of off-site flow.

(e) – Steep slopes and other hillsides. - The Project requires disturbance of steep slopes as part of the roadway improvements to improve sight distance. The bulk of the building is constructed within the previously disturbed area of the Site. Retaining walls are proposed to minimize disturbance of “steeply sloped areas” in the south/southeast portion of the Site.

(f) – Potential pedestrian connections to RiverWalk, the Croton Aqueduct and existing neighborhoods. – The Project will provide sidewalks for safer pedestrian access to the Project Site and Crawbuckie Nature Preserve, as well as across the Village’s Lot 6.

(g) – Archaeological sites and historical buildings. – The remaining on-site buildings will be demolished, as recommended in the updated DeNardis Report (see Appendix 5.1). Photo-documentation of historic buildings (digital format, high-resolution photos) were taken prior to demolition.

(h) - Habitat of threatened and endangered species. – The Project Site does not contain habitat of threatened or endangered species.



270-23F(5) – As shown on the architectural floor plans (See A-2 Floor Plans) provided at the rear of Chapter 1, the Project would exceed the required minimum habitable floor areas for the proposed 1-BR and 2-BR units.

In sum, the Applicant maintains that the Project fulfills the 5 special provisions applicable to the PW-a District.

PD.3.3.3 Comprehensive Plan

As described above, in the Applicant's opinion the Project meets the objectives of the Village's Planned Waterfront zoning regulations. Therefore, the Applicant also believes that the Project satisfies the objectives of the Village's Comprehensive Plan upon which the PW-a zoning is based.

The Comprehensive Plan encourages residential and other development on this former industrial site east of the railroad tracks (Comprehensive Plan, 36-37; Strategy 8.4). Given the Project Site's location, which is not proximate to the downtown area and which does not receive any pass-by traffic except from the two adjacent industrial uses, the Applicant does not believe that there is any market for commercial uses on the property. Therefore, the Applicant has not proposed a mixed-use development.

The Project will also meet the Comprehensive Plan objective in Strategy 8.4 that building heights should not obstruct views of the Hudson River. As described in FSEIS Section PD.3, the Project is oriented perpendicular to the River to preserve visual corridors. The Project will not block any views of the River from nearby residences.

While the Applicant recognizes that the Comprehensive Plan encourages reuse of the Brandreth Pill Factory (Strategy 8.4), such adaptive reuse is no longer part of the Project as explained in FSEIS Section 1.1. To help preserve some of the history of the Pill Factory, the Applicant commissioned digital format, high-resolution photography of all the buildings prior to their removal. The photographs (a disc with high-resolution images and 4" x 6" prints) would be provided to the Ossining Historical Society. As Part of the Project, the Applicant also proposes to build and maintain the Open Air Pavilion as a tribute to the former Pill Factory.



The Project will also advance the Village's objective to maximize public enjoyment of the Riverfront. (Comprehensive Plan, 19). The Project would facilitate the planned RiverWalk by installing a sidewalk along North Water Street from Snowden Avenue to the Project Site just south of the Crawbuckie Preserve. (Comprehensive Plan, 20). The Project would also provide the opportunity for a pedestrian connection to the 1.2-acre open space adjacent to Crawbuckie.

The Project is also consistent with the Comprehensive Plan's affordable housing recommendation to set aside 10% of all units for affordable housing. (Comprehensive Plan, 89).

PD.3.3.4 LWRP

The Village of Ossining LWRP was amended in 2011. The LWRP identifies nine separate waterfront areas. For purposes of the LWRP, the Project site is located in Waterfront Area D, The Snowden Area. The LWRP includes nine broad waterfront revitalization program policies. The Project has been designed to avoid, mitigate, or minimize potential impacts relating to the LWRP policies, and there is no further mitigation required. A summary is provided below.

1. Development Policies – The Project advances Policy 1C - revitalizing the lower Snowden industrial area by encouraging a variety of uses. It also advances Policy 1D - Develop the upland area of Snowden in moderately low density residential uses which are designed to reflect the uses on adjacent properties and to protect the topographic features of the area.

2. Fish and Wildlife Policies – The Policy is not directly applicable to the Project / Project Site. The Project will not result in fish or wildlife habitat destruction or impairment. The Project will not impact recreational or commercial use of coastal resources.

3. Flooding and Erosion Policies – The Project is consistent with Policy 17 - minimize damage to natural resources and property from flooding and erosion. Such measures shall include: the setback of buildings and structures, the planting of vegetation and the installation of drainage infrastructure, and the flood-proofing of buildings or their elevation above the base flood level.



4. General Policy – The Project will not impair coastal waters and resources nor will the Project affect natural resources, water levels and flows, shoreline damage, hydroelectric power generation or recreation.

5. Public Access Policies - The Project will not adversely affect public access to the waterfront. To the contrary, the Project will advance Policy 19D by providing connectivity to Crawbuckie Nature Preserve, and by constructing a sidewalk along North Water Street which will facilitate public pedestrian access to the Preserve and the planned RiverWalk.

6. Recreation Policies – Although the Project Site cannot provide direct access to the River due to the railroad tracks, the Project will provide publicly accessible open space in the vicinity of the Open Air Pavilion, as well as 1.2-acre open space area adjacent to the Crawbuckie Preserve. The Project also includes the construction of a sidewalk along North Water Street.

7. Historic and Scenic Quality Policies – The Project can no longer preserve the Brandreth Pill Factory as suggested by Policy 23. To recognize this historic Factory, mitigate its demolition due to its dangerous condition, and help preserve its history, the Applicant has commissioned high-resolution photography of all the Pill Factory buildings which will be provided to the Ossining Historical Society. The Applicant also proposes as part of the Project the Open-Air Pavilion, which would be built and maintained by the Applicant as a tribute to the former Pill Factory.

8. Agricultural Lands Policy – the LWRP states that this policy is not applicable to Ossining.

9. Energy and Ice Management Policies – this policy is not applicable to the Project.

10. Water and Air Resources Policies – The Project will advance Policy 33 by using best management practices to ensure the control of stormwater runoff draining into coastal waters. The Project will advance Policy 37 by using best management practices to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters in accordance with the DEC stormwater design manual.



In summary, many individual LWRP policies are not directly applicable to the Project and/or the Project Site. With regard to the policies that are applicable, the Project is consistent with the LWRP policies, and to the extent it is inconsistent with Policy 23, these impacts are being mitigated as described above.

PD.3.4 Density

The Project would include 137 residential units, 14 of which would be affordable housing units. This calculation includes two density bonuses based on objective standards: (i) 10% for the provision of affordable housing, and (ii) 10% for the use of green building techniques – i.e., the Project would achieve LEED Silver certification.

The density is specifically calculated, as follows: a Planned Waterfront Special Permit under Section 270-23(l) of the PW-a zoning regulations allows a baseline density of 22 units per acre, plus an additional 10% density bonus for use of green building techniques (resulting in an allowable density of 24.2 units per acre), plus an additional 10% density bonus for the provision of affordable housing (resulting in an allowable density of 26.62 dwelling units per acre). Accordingly, the approximately 5.14-acre Site yields 137 residential units with these two density bonuses. Fourteen of the 137 dwelling units will be affordable housing units.³

While there are additional elements of the Project that the Applicant believes will provide public benefit and should be considered by the Board in its consideration of the Project – such as the reconstructed Road with a sidewalk, 1.2-acre Conservation Easement, and the Open Air Pavilion – the Applicant is not specifically seeking a density bonus in exchange for such elements. The requested density bonus is based solely upon LEED Silver certification and the provision of affordable housing.

Density Bonus for Green Building Techniques

Pursuant to the Village Zoning Law §270-23 l.(4) (“Density bonus incentives”), the Applicant seeks a density of bonus of 10% in exchange for using green

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As a reminder, the 5.14 –acre Site does not include the contiguous properties known as the Plateau.



building techniques during construction, materials selection, and operational practices to achieve a sustainable and environmentally-friendly Project. The Applicant commits to achieving LEED Silver certification after construction.

Appendix 5.15 to this FSEIS contains a checklist showing how the Project would achieve LEED Silver based upon the LEED V.4 BD+C New Construction criteria. LEED V4 is the latest version of the LEED certification process. This version has been made more stringent than any previous version with the inclusion of more pre-requisites, and increasing the intensity of the actions required to achieve points. As a result, it has been recognized in the sustainability and construction industries that achieving LEED-Silver in V4 is at least as difficult as achieving LEED-Gold in previous versions. The Ossining Code was developed during the early stages of the LEED initiative, so that the target of LEED-Silver referenced therein has now become a more difficult target than originally intended. Even so, it is clear from the analytical summary prepared for the Hidden Cove development that there are enough opportunities to achieve LEED-Silver, but, as shown on the checklist in Appendix 5.15, it is not possible to achieve LEED-Gold due to these more stringent requirements.

Under Section 270-23(l)(5) of the Zoning Law, the Planning Board shall grant a density bonus of 10% for the “green building” amenity, provided that the Board finds that the amenity is proportional to the requested density bonus. In the Applicant’s opinion, the “proportionality” test does not appear to apply to this type of objective standard. Nonetheless, the requested 10% is proportional to the use of green building techniques as the green technologies would advance the strong public interest in environmentally sustainable land and building development. This is compatible with the goals of the Village as set forth in the Comprehensive Plan supporting and encouraging green building features and sustainable development of both private and public infrastructure construction, maintenance and operation.⁴

Density Bonus for Affordable Housing

In addition, the Village Code establishes a density bonus of 10% when a residential development provides affordable housing in accordance with the requirements of Section 62-3 of the Village Code.



⁴ Village of Ossining Comprehensive Plan (July 2009), Section 6 Sustainable Infrastructure.



At least 10% of the Project's units will be devoted to affordable housing units as per Section 62-3 of Village Code. The affordable units will be marketed to households which meet the criteria of 80% or less of the Westchester County median income as determined by HUD annually. The combined annual rental cost and tenant-paid utilities for the affordable units will not exceed 30% of household income.

All parking spaces will be a supplemental charge. The Applicant intends to introduce Cove Cars (similar to the Zip Car concept), which will reduce the need for residents to own/lease a car.

Pursuant to the Village's requirements for affordable housing (§62-3(F)), the Project will include a declaration of restrictive covenants, which will identify the affordable housing requirements and provisions. Upon approval, the declaration of restrictive covenants will be recorded against the Site prior to the issuance of a Building Permit. The declaration will follow the affordable housing rules and regulations.



PD.3.5 Permits and Approvals

The Proposed Action requires the following permits and approvals:

Table 2 Permits and Approvals

Involved Agency	Permit/Approval
Planning Board	SEQRA Findings, Site Plan Approval, density bonus for use of green building techniques and affordable housing
Village Board of Trustees	Easement or license agreement for certain roadway improvements on Village-owned Lot 6; Planned Waterfront Special Permit
Village Zoning Board of Appeals	Interpretation and/or variance pursuant to Village Law 7-736; area variance to permit relocated drainage culvert within 25 feet of building
Village Building Department	Building Permits
Village Dept. of Public Works	Curb Cuts
Westchester County Health Department	Water and Sewer
NYS Department of Environmental Conservation	SPDES Permit for Stormwater; Protection of Waters Permit
Army Corp Of Engineers	Nationwide Permit or Standard Permit (SP)
Metro-North Railroad	Entry Permit